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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER VO, TED T	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/662,720

Applicant(s)

WICKHAM ET AL.

Examiner

Ted T. Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/15/07, 11/12/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-53 are pending in the application.

This application files distinct sets of claims, which might cause Restriction/Election requirement. It would be requires Restriction/Election if there are two distinct sets of claims.

It should be noted that independent claims should present in one single invention of the same class/subclass. This application attempts providing distinct sets of claims, which might cause the examination hard to look at a claim as a whole, and thus set burdens on an examiner. It would be appreciated if organized in a clear view for what applicants regard as novelty.

### ***Response to Arguments***

2. This action is in response to the amendment and argument filed on 09/14/2007.

- Applicants traverse the rejection of Claim 1 and (2-28), and argue that Pawlak fails to disclose assignment of a level of service to users, and schedule update based on the level of service:

-Examiner's response: The claimed language is so generic that the act of someone who assigns tasks to his workers also matches the limitation. The claimed limitation is clearly performable by a manual act. This limitation fails representing a patentable feature as required under 1.111(c). In the title of this reference, it states, "Software update service to ease Patch distribution". It means that the service will be assigned to a plurality of users (or Clients). In the reference, it discloses an update server SUS, that provides scheduling update on a client-side (A.1), This SUS provides check-boxes for each level-service agreement. The word "Approved" tells that the admin of the SUS reviews the critical conditions in each type of software and computer groups, and thus provides the scheduled time for update. In fact, the act shown in the Pawlak's reference represents the formal activities of software contract-agreement services, in which the attachment in the prior office action has shown.

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- Applicants traverse the rejection of Claim 29, and argue in the same manner as in the argument of Claim 1-28. This argument fails to be persuasive as reasoned above.

- Applicants traverse the rejection of claims 30-33, and argue that Pawlak fails to disclose selection of a time to reboot is provided and provided with reminders for both a grace and enforcement.

- Examiner's response: The limitations as argued fail to present any patentable manner. A preemption of daily activities, even manually acts using a computer or programming to remind a user, would be improper as a patentability feature.

- Applicants traverse the rejection of claim 40 (and 41-43), and argue that Pawlak's enforcement by allowing the admin to control the server providing the update, and argue Pawlak fails to disclose configuring the package for differential enforcement.

- Examiner's response: The limitations as argued fail to present a patentable manner. A preemption of daily activities would be improper as a patentability feature. Providing different enforcement is inherently on the type of clients' operating system and his software use. With the selectively checked boxes shown both in the left and in the right of the SUS, it is proven that the enforcement is control by the admin; he/she can assign differently packages to the type of clients. The selective act of the admin read configuring.

- Applicants traverse the rejection of claims 44, and 45, and 49, and argue that Pawlak's reference fails to disclose partitioning the package to divide trusted update from un-trusted updates, and un-trusted software updates are installed only on clients within test environment.

- Examiner's response: The limitations as argued fails to present any patentable manner. As mentioned above, preemption of daily activities would be improper as a patentability feature. Figures in Appendices A1-A3 and A4-A5, disclose these manner. Using "test environment" is unable to distinct from any environment, For example, the environment between the server-side and client-side shown in A.1 shows test is performed before shifting a software package to a user. In P. 2 and P.3, it shows software updates (patches) are tested and then approved to privileged or non-privileged users (partitioning). Some software is provided with signed (i.e. for trusted or un-trusted). In A.5 and A.6, it discusses the approval of software updates. Examiner

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has viewed the arguments of these claims, but they merely direct to non-patentable features and they are not persuasive.

-With regards to the arguments of Claims 34-39, i.e. claims 34 and 39, anticipated by IBM: Applicants argue that IBM fail to establish a change window for each groups and configuring the package for different enforcement, wherein different computers are given different periods of time within which to perform a software update.

- Examiner's response: The limitations as argued fails to present any patentable manner. Preemption would be improper as a patentability feature. Acting like a manual act (Claim 39) is improper. Furthermore, a Windows is only a set of operating system software. Various versions provide various Windows. For example, Windows, 95, Windows 98, etc are various widows. IBM shows the different sets of computer operating system in Figure 11, p. 21. The claimed language "establish a change window for each groups" merely preempting, and reads on the figure as shown. More importantly, the common acts used in public domains "failsafe timeout for each update" is shown in IBM, pages 150-151, where the IBM shows in every its software update, it monitors failsafe, provides a maximum timeout period in order to recover any failure. Claim 39 is merely performable by a manual acts, and the claim reads on the acts shown in p 141 and up in the reference of IBM.

In the manner for allowance under 1.111(c), it requires amending in reply to a rejection of claims in an application, the applicant must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Within the recitations in the claims, it is absent of patentable features. In the claims arrangement, the claims are merely scattering with various common activities rather implemented in a single patentable manner. All these requirements under 1.111(c) are absent in the Applicants' remarks, instead, the remarks merely requests to allow all non-patentable features.

**Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-12, 17-33, 40-53 are rejected under 35 U.S.C. 102(a) as being anticipated by Pawlak, "Software Update Service to Ease Patch Distribution", April 22, 2002.

(<http://www.directionsonmicrosoft.com/sample/DOMIS/update/2002/05may/0502sustep.htm>).

1. Pawlak discloses, *A processor-readable medium comprising processor-executable instructions for performing software updates, the processor-executable instructions comprising instructions for:*

*assigning a level of service to each of a plurality of users, by which the software updates will be performed (See A.5); scheduling performance of the software updates to a user from among the plurality of users according to the level of service assigned to that user; and performing the software updates according to the schedule (See A.1 and A.2-3).*

2. Pawlak discloses, *The processor-readable medium of claim 1, additionally comprising instructions for: displaying a notification icon to a user; and configuring the notification icon to allow the user to postpone the software updates within a grace period (See A.2-3), wherein the grace period is followed by an enforcement period (See page 6, "Critical Update Notification service") within which the notification icon does not allow the user to postpone the software updates (See A.2-3, the update is available only up to 3/14/2002).*



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3. Pawlak discloses, *The processor-readable medium of claim 2, wherein assigning the level of service comprises instructions for: establishing the grace period and the enforcement period; and wherein by shortening the grace period a higher level of service results due to more rapid application of the software updates (See A.2-3).*
4. Pawlak discloses, *The processor-readable medium of claim 1, additionally comprising instructions for: displaying a notification icon to a user; and configuring the notification icon to allow the user to initiate performance of the software updates (See A.2-3).*
5. Pawlak discloses, *The processor-readable medium of claim 4, wherein configuring the notification icon comprises instructions for: providing the user with a first choice to display a reminder about installing the software updates; and providing the user with a second choice to install the software updates (See A.2-3, left, check-boxes).*
6. Pawlak discloses, *The processor-readable medium of claim 5, wherein the first choice of displaying the reminder comprises instructions for: displaying information on grace and enforcement periods associated with the software updates; wherein the grace period is a period during which the user is allowed to postpone performance of software updates; wherein the grace period is configurable by an administrator; and wherein the enforcement period is a period, configured by the administrator to follow the grace period, during which the user is not allowed to postpone performance of software updates(See A.2-3).*
7. Pawlak discloses, *The processor-readable medium of claim 5, wherein the second choice of installing the software updates comprises instructions for: allowing the user to schedule an update start time; and allowing the user to schedule a reboot time (See A.1).*
8. Pawlak discloses, *The processor-readable medium of claim 1, wherein performing the software update comprises additional instructions for deploying annoyance reminders urging the user to reboot (See A.1, and A.2-3).*
9. Pawlak discloses, *The processor-readable medium of claim 1, wherein performing the software update comprises additional instructions for automatically performing the software updates following a grace period (See A.1, and A.2-3).*

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10. Pawlak discloses, *The processor-readable medium of claim 1, wherein performing the software update comprises additional instructions for delaying the performance until after conclusion of a user-initiated postponement within a grace period* (See page 3, last paragraph, See A.1, and A.2-3).

11. Pawlak discloses, *The processor-readable medium of claim 1, wherein scheduling performance of the software updates comprises additional instructions for configuring a change window, wherein the change window defines a period of time within which the updates will be performed* (See page 3, within "Automatic Update Client", See A.1, and A.2-3).

12. Pawlak discloses, *The processor-readable medium of claim 11, wherein assigning the level of service comprises additional instructions for configuring duration of the change window, wherein a longer duration implies a higher level of service and a shorter duration implies a lower level of service* "Automatic Update Client", See A.1, and A.2-3).

17. Pawlak discloses, *The processor-readable medium of claim 11, comprising additional instructions for associating servers into groups, wherein each group is assigned a change window, and wherein the groups are sized to allow simultaneous updating of the servers in each of the groups without disrupting work flow* (See page 3, within "Automatic Update Client", See A.1, and A.2-3).

18. Pawlak discloses, *The processor-readable medium of claim 1, comprising additional instructions for: grouping a plurality of the software updates into a package; and configuring the package for differential enforcement whereby different computers would receive different software updates from the package* (Refer to "software package", "patch" that the SUS deploys to each Scenario in the reference)

19. Pawlak discloses, *The processor-readable medium of claim 18, comprising additional instructions for obtaining the plurality of software updates from a trusted source of update content* (See Firewall used in the reference).

20. Pawlak discloses, *The processor-readable medium of claim 18, comprising additional instructions for configuring the package for SMS consumption* (See SUS/SMS used in the reference).



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21. Pawlak discloses, *The processor-readable medium of claim 18, wherein assigning the level of service comprises additional instructions for providing different rules of enforcement within the package to result in different application of software updates within the package to different computers* (See Scenarios illustrated in the reference).

22. Pawlak discloses, *The processor-readable medium of claim 18, wherein assigning the level of service comprises additional instructions for partitioning the package of software updates to separate trusted updates from un-trusted updates* (See Scenarios illustrated in the reference).

23. Pawlak discloses, *The processor-readable medium of claim 22, comprising additional instructions for merging the un-trusted software updates with the trusted software updates based on performance of the un-trusted updates in a test environment* (See Scenarios illustrated in the reference).

24. Pawlak discloses, *The processor-readable medium of claim 22, wherein the partitioning is expressed in XML configured to inform different clients of updates suitable for their consumption* (Note: XML is common and in public uses. Pawlak shows it).

25. Pawlak discloses, *The processor-readable medium of claim 1, wherein assigning the level of service comprises additional instructions for incorporating an authorization list of approved updates into a template based on a standard image* (See A.1. A-2-3).

26. Pawlak discloses XML document, and discloses, *The processor-readable medium of claim 25, wherein the template is written into an XML document* (Note: The claims is only to conform to the file format of HTML/ XML).

27. Pawlak discloses, *The processor-readable medium of claim 26, wherein the XML document is consumed and deployed as a mirror of a desired state for software updates* (See A.1).

28. *The processor-readable medium of claim 27, wherein the XML document is consumed and deployed by SMS* (See A.1).

29. Pawlak discloses, *A method for performing software updates, comprising:*

*assigning a service level to each users by which software updates will be performed* (See A.5);

*displaying an icon configured to allow a user a choice between displaying software reminders and initiation of installation of the software updates; wherein the software reminders include*

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*information on grace periods within which installation of the software update may be postponed and information on the onset of enforcement periods after which installation of the software update may not be postponed; and providing a user interface to allow selection of a time to perform the installation of the software update and to allow selection of a time to reboot, wherein the time selected is based in part on the assigned level of service. See A.1.*

30. Pawlak discloses, *A processor-readable medium comprising processor-executable instructions for assisting a user to update software, the processor-executable instructions comprising instructions for: displaying an icon configured to allow a user a choice between displaying software reminders and initiation of installation of the software updates; wherein the software reminders include information on grace periods within which installation of the software update may be postponed and information on the onset of enforcement periods after which installation of the software update may not be postponed; and providing a user interface to allow selection of a time to perform the installation of the software update and to allow selection of a time to reboot. See A.1.*

31. Pawlak discloses, *The processor-readable medium of claim 30, additionally comprising instructions for providing a user interface at repeated intervals to persuade a user to reboot, where the software updates have been installed and no reboot has been performed. See A.1.*

32. Pawlak discloses, *The processor-readable medium of claim 30, additionally comprising instructions for setting the grace periods and the enforcement periods to control a level of service provided by the system. See A.1.*

33. Pawlak discloses, *The processor-readable medium of claim 30, additionally comprising instructions for periodically showing the user information about software updates that have not yet been performed See A.1, A2-3.*

40. Pawlak discloses, *A processor-readable medium comprising processor-executable instructions for performing software updates, the processor-executable instructions comprising instructions for: grouping a large number of software updates into a package; See p. 3, SUS package; configuring the package for differential enforcement, wherein different computers are given different periods of time within which to perform a software update; See p. 4, AutoUpdate*

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Configuration; and A1-3; *and configuring the package for SMS consumption*. See p. 4,

AutoUpdate Configuration; and P.5m Not an SMS Replacement .

41. Pawlak discloses, *The processor-readable medium of claim 40, additionally comprising instructions for configuring the package with content from a trusted website* (See A5-6).

42. Pawlak discloses, *The processor-readable medium of claim 40, additionally comprising instructions for distributing the package by utilizing SMS to a plurality of computers* (See P.5 , and See A5-6).

43. Pawlak discloses, *The processor-readable medium of claim 40, additionally comprising instructions for performing software updates differentially on a plurality of computers using the package* (See A5-6).

44. Pawlak discloses, *A method for performing software updates, comprising: forming a package with a plurality of software updates* (See p. 3); *partitioning the package to divide trusted updates from un-trusted updates; distributing the package to a plurality of clients* (See A5-6); *and installing appropriate software updates on each of the plurality of clients, wherein the un-trusted software updates are installed only on clients within a test environment* (See A1-3, A5-6).

45. Pawlak discloses, *A processor-readable medium comprising processor-executable instructions for performing software updates, the processor-executable instructions comprising instructions for: forming a package with a plurality of software updates; partitioning the package to divide trusted updates from un-trusted updates; distributing the package to a plurality of clients; and installing appropriate software updates on each of the plurality of clients, wherein the un-trusted software updates are installed only on clients within a test environment*. See A.1, A2-3; See "SUS Server, in p. 3.

46. Pawlak discloses, *The processor-readable medium of claim 45, additionally comprising instructions for merging un-trusted software updates together with the trusted software updates in response to performance of the un-trusted software updates in the test environment* (See A.1, A2-3;).

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47. Pawlak discloses XML and *The processor-readable medium of claim 45, additionally comprising instructions for expressing the partition with XML.* (Note: XML is common and in public uses. Pawlak shows XML files in p. 3 of the reference).

48. Pawlak discloses *The processor-readable medium of claim 45, additionally comprising instructions, within the package, for expressing to clients which software updates are suitable for their consumption* (See A2-3).

49. Pawlak discloses *A method for performing software updates, comprising: using a reference computer to generate a template having an authorization list of approved updates; deploying the template to client computers; and performing software updates on the client computers according to the template.* See A.1.

50. Pawlak discloses *A processor-readable medium comprising processor-executable instructions for performing software updates, the processor-executable instructions comprising instructions for: using a reference computer to generate a template having an authorization list of approved updates; deploying the template to client computers; and performing software updates on the client computers according to the template.* See A.1, A2-3; See "SUS Server, in page. 3.

51. Pawlak discloses *The processor-readable medium of claim 50, additionally comprising instructions for incorporating the template into an XML file.*

See A.1, A2-3; See "SUS Server, in p. 3.

52. Pawlak discloses *The processor-readable medium of claim 50, wherein deploying the template comprises instructions for configuring the template for SMS consumption and deployment* See A.1, A2-3; See "SUS Server, in p. 3.

53. Pawlak discloses *The processor-readable medium of claim 50, additionally comprising instructions for using the template to identify a subset of software update files from a large file including a plurality of software update files.* See A.1, A2-3; See "SUS Server, in p. 3.

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5. Claims 34-39 are rejected under 35 U.S.C. 102(b) as being anticipated by IBM, "RS/6000 ATM Cookbook", Redbook.ibm.com, 2000.

As per claims 34-39: IBM discloses the limitations of claims:

34. IBM discloses, *A method for performing software updates, comprising: associating servers into groups sized to allow simultaneous updating of servers in each group without disrupting work flow (See p. 29-30); establishing a change window for each of the groups; and applying updates within the change window (See p. 248, and Figure 11, p. 21), while monitoring a failsafe timeout for each update (p. 150-151)*

35. IBM discloses, *A processor-readable medium comprising processor-executable instructions for performing software updates, the processor-executable instructions comprising instructions for: associating servers into groups sized to allow simultaneous updating of servers in each group without disrupting work flow; establishing a change window for each of the groups; and applying updates within the change window, while monitoring a failsafe timeout for each update.*

See rationale addressed in Claim 34.

36. IBM discloses, *The processor-readable medium of claim 35, additionally comprising instructions for application of each software update and for setting the failsafe timeout with reference to the anticipated times for application (See definition of failsafe, in IBM).*

37. IBM discloses, *The processor-readable medium of claim 35, additionally comprising instructions for determining if the failsafe timeout for each software update is greater than time remaining within the change window, and if so, for suspending installation of the software update. (See definition of failsafe, in IBM).*

38. IBM discloses, *The processor-readable medium of claim 35, additionally comprising instructions for identifying, for potential installation in a second change window, software updates which were not installed in the change window (See the reference, particularly, start at p. 141).*

39. IBM discloses, *A method for performing software updates, comprising: grouping a large number of software updates into a package; configuring the package for differential enforcement,*

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*wherein different computers are given different periods of time within which to perform a software update; and configuring the package for SMS consumption. (See the reference, particularly, start at p. 141).*

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable by Pawlak.

Official notice is taken that “failsafe timeout period” is very common in installation/updating for terminating a process in which the timing exceeds predetermined maximum if the process requires time limit.

*13. The processor-readable medium of claim 11, wherein scheduling performance of the software updates comprises additional instructions for: defining failsafe timeout periods for each of the software updates; and adjusting the failsafe timeout periods according to individual computer performance, wherein longer failsafe timeout periods are assigned where the individual computer performance is slower.*

*14. The processor-readable medium of claim 11, comprising additional instructions for: applying updates during the change window; and monitoring a failsafe timeout for each update applied.*



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15. *The processor-readable medium of claim 11, comprising additional instructions for identifying updates for which there was insufficient time within the change window for installation within a second change window.*

16. *The processor-readable medium of claim 11, comprising additional instructions for, when time remaining within the change window is less than a failsafe timeout for any remaining software updates, suspending application of the remaining software updates.*

It would be obvious to an ordinary of the art at the time of the application filing to include the "failsafe timeout period" for stopping wasting unnecessary time when it knows that the update could take a timing that less than a predetermined maximum. This type of act is done common in installing/updating. For example, IBM has shown a grace period that has been set in an installation of ATM software (See IBM, p. 32, and p. 151).

8. Claim 1 are rejected under 35 U.S.C. 103(a) as being unpatentable by manual act.

As per claim 1: Manual act performs the claimed limitation,

Official notice is taken that, manual acts have performed the software update according to the level of service and the update is performed on a schedule.

For example, see the below note (Attached as an Appendix A) that happened in various groups of the patent office. There are different levels of service, software update is scheduling:

**>>Customers Impacted: Office of General Counsel, Office of Under Secretary, Office of External Affairs, Trademarks WS01000 - WS02999, Office of Chief Financial Officer (OCFO) and Chief Administrative Officer (OCAO) WS16000 - WS18999**

**Event: Install *Daylight Savings Time Synch Update***

**Date: Starting Thur, Mar 1 at 10 PM; Ending Fri, Mar 2 at 5 AM (UPDATED) ; View details for additional information**

**Customer Action Needed:**Leave workstation logged on and locked<<

Clearly, the act as noted above is common, it has been done since software was provided in a computer. When there is a new version of the software, the software update to various levels will require based on the priority.

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Therefore, it is too obvious that the scheduling update of the claim as a whole preempts a natural phenomenon usually done in a manual. The claim is just an act in accordance to the nature, where thing that is existed under the nature cannot be a patentable feature.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have

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questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTV  
November 23, 2007



TED VO  
PRIMARY EXAMINER